

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

CALCUTTA

No. O.A.892 of 1997

Present : Hon'ble Mr. D. Purkayastha, Judicial Member

PRAHALLAD GUCHAIT & ANR.

VS

1. UNION OF INDIA, SERVICE THROUGH THE GENERAL MANAGER, S.E. RLY., GARDEN REACH, CALCUTTA - 43.
2. THE DIVISIONAL RAILWAY MANAGER, S. E. RLY., KHARAGPUR.
3. SR. DIVISIONAL PERSONNEL OFFICER, S. E. RLY., KHARAGPUR.
4. THE CHIEF PERMANENT WAY INSPECTOR, S. E. RLY., PANSKURA.

For the applicants : Mr. A. Chakroborty, counsel

For the respondents : Mr. P.C. Saha, counsel

Heard on : 03.02.99

Order on : 03.02.99

O R D E R

The case was filed on 04.08.97. But respondents did not file any reply till date. Ld. counsel Mr. Saha submits that his name was excluded from the panel of advocates recently prepared by the Railway Authorities for appointment and he was asked to return all the briefs to the department. Since he was not asked to return the file of this case he prays for time. I reject the prayer of adjournment on that grounds and I take up the case for hearing.

2. *H. Sen Thakur*
Feeling aggrieved by the speaking order passed by the respondents in pursuance of the directions of the Tribunal

by the order dated 13.6.96 in O.A.No.228 of 1996, the applicant filed this application for appointment of the applicant No.2 on compassionate ground. According to the applicants the said impugned speaking order is not sustainable in law since the applicant No.1 retired from service on medical ground and thereby his son was entitled to get appointment on compassionate ground and he filed O.A.228/96 earlier for appointment of applicant No. 2. It is also alleged by the applicants that the reasons as stated in the speaking order dated 6.8.96(annexure 'D/1' to the app.) is not sustainable.

3. Mr. Saha did not argue on the ground stated above. I have gone through the speaking order and I find that the case was considered by the respondents and that was rejected solely on the ground that the applicant No.1 Sri Prahallad Guchait submitted an application for voluntary retirement from service. So, the applicant No.2 Sri Sridam Guchait is not entitled to get appointment on compassionate ground. Mr. Chakraborty ld. counsel could not show me any rule showing that on ^{Voluntary} retirement on medical ground and ~~on voluntary~~ ~~retirement~~ from service, the son or relative of the railway employee is entitled to get appointment on compassionate ground. So, in absence of any specific rule, I am of the view that the reasons shown by the respondents in the speaking order cannot be said to be unsustainable and thereby the application is devoid of merit and liable to be dismissed Accordingly, the application is dismissed awarding no costs.

1/2/2019
(D. PURKAYASTHA)
MEMBER(J)